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*David Martin, Michael Reynolds, Bette Bahni, and Angela Uribe*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

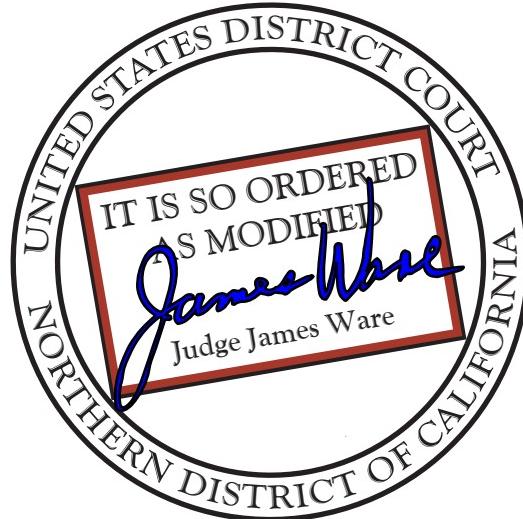
CANON BUSINESS SOLUTIONS -  
NEWCAL, INC., a California  
Corporation;  
DAVID MARTIN, an individual;  
MICHAEL REYNOLDS, an individual;  
BETTE BAHNI, an individual, and  
ANGELA URIBE, an individual,

**Plaintiffs.**

V.

**IKON OFFICE SOLUTIONS, INC.,  
an Ohio Corporation; and  
DOES 1 THROUGH 100.**

#### **Defendants.**



**Case No.: CV 08-5745 JW**

**STIPULATED REQUEST FOR ORDER**  
**CONTINUING CASE DEADLINES**  
**PENDING SETTLEMENT**  
**CONFERENCE**

**AND [REDACTED] ORDER**

**Rule 26(a) Initial Disclosures:**  
**Original Date:** May 18, 2009  
**Continued Date:** July 21, 2009

### **Joint Rule 26(f) Report:**

**Original Date:** May 18, 2009  
**Continued Date:** July 28, 2009

**Case Management Statement:**  
**Original Date:** May 22, 2009  
**Continued Date:** August 4, 2009

### **Motion to Dismiss or Stay Briefing:**

**Opposition Brief:**  
Original Date: May 18, 2009  
Continued Date: July 27, 2009  
**Reply Brief:**  
Original Date: May 22, 2009  
Continued Date: August 3, 2009

**Motion to Dismiss or Stay Hearing:**  
**Original Date:** June 8, 2009  
**Original Time:** 9:00 am  
**Continued Date:** August 17, 2009  
**Continued Time:** 9:00 am

**Case Management Conference:**  
**Original Date:** June 8, 2009  
**Original Time:** 10:00 am  
**Continued Date:** August 17, 2009  
**Continued Time:** 10:00 am

The Parties are currently scheduled to exchange their Rule 26(a) Initial Disclosures and file a Joint Rule 26(f) Report by May 18, 2009. The Case Management Statement is currently due on May 22, 2009, and a Case Management Conference is currently set for June 8, 2009. The Motion of Defendant IKON Office Solutions, Inc. to dismiss or, in the alternative, to stay, the claims of Plaintiffs Uribe, Reynolds, and Martin (and the claims of Canon Business Solutions – NewCal, Inc. that are derivative of the claims alleged by Uribe, Reynolds, and Martin) (“IKON’s Motion to Dismiss or Stay”) is currently scheduled for hearing before this Honorable Court on June 8, 2009 at 9:00 a.m.

The basis for IKON's Motion to Dismiss or Stay is, in part, that an earlier-filed case, *IKON Office Solutions Inc. v. Angela Uribe, Michael Reynolds, David Martin*, [and now also] *Oscar Erazo, Noor Jabbar, and Daniel Eade*, Civil Action No. 08-CV-5829 (CMR), is already pending in the United States District Court for the Eastern District of Pennsylvania (the "Pennsylvania Federal Court Action").

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1 One other continuance was previously granted continuing the date of the Case Management  
 2 Conference and the hearing on IKON's Motion to Dismiss or Stay from April 13, 2009 to June 8,  
 3 2009.

4 The Court in the Pennsylvania Federal Court Action has ordered the parties to that action to  
 5 participate in a settlement conference. That settlement conference has now been set by the  
 6 Pennsylvania Federal Court for June 30, 2009, later than previously anticipated by the Parties when  
 7 the Court granted the prior continuance. The settlement conference in the Pennsylvania Federal  
 8 Court Action may narrow or eliminate the issues before this Court. Accordingly, the Parties to the  
 9 above-captioned action jointly agree to continue the deadlines in this matter until after the settlement  
 10 conference, and respectfully request that the Court order the same.

11 Specifically, the Parties jointly request that deadlines in this matter be continued to reflect the  
 12 following:

13 The Parties shall exchange Rule 26(a) Initial Disclosures by July 21, 2009.

14 The Parties' Joint Rule 26(f) Report shall be filed with the Court by July 28, 2009.

15 The Parties shall file a Case Management Statement by August 4, 2009.

16 IKON's Motion to Dismiss or Stay shall be heard on August 17, at 9:00 a.m., or as  
 17 soon thereafter as this matter may be heard, in Courtroom 8, before the Honorable James Ware,  
 18 located at 280 S. 1st Street, Fourth Floor, San Jose, California 95113. Plaintiffs' opposition to the  
 19 Motion to Dismiss or Stay, and IKON's reply brief, shall be served and filed in advance of the  
 20 scheduled hearing date pursuant to Civil Local Rule 7-3.

21 A Case Management Conference shall be held on August 17, at 10:00 a.m., or as soon  
 22 thereafter as is convenient for the Court.

23 In accordance with Civil Local Rules 6-1 and 6-2, the parties hereby submit this Stipulated  
 24 Request, and the Declaration of Lina M. Brenner in support thereof, seeking an order granting: (1)  
 25 continuance of the date for the Parties' exchange of Rule 26(a) Initial Disclosures from May 18,  
 26 2009 to July 21, 2009; (2) continuance of the date for the Parties' filing of their Joint Rule 26(f)  
 27 Report from May 18, 2009 to July 28, 2009; (3) continuance of the Case Management Statement due  
 28 date from May 22, 2009 to August 4, 2009; (4) continuance of the hearing on IKON's Motion to

1 Dismiss or Stay from June 8, 2009 to August 17, 2009, with a commensurate continuance of the  
2 filing deadlines for all opposition and reply briefs to July 27, 2009 and August 3, 2009, respectively,  
3 pursuant to Civil Local Rule 7-3; and (5) continuance of the Case Management Conference from  
4 June 8, 2009 to August 17, 2008, or as soon thereafter as is convenient for the Court.

5 The Parties believe that the requested continuance will not unduly impact the current  
6 schedule in the case, as the case is in its beginning stages, and will serve the interests of judicial  
7 economy.

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9 Respectfully submitted,

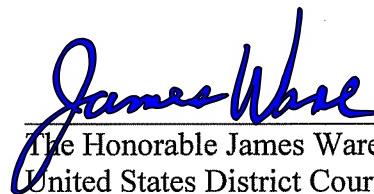
10 Dated: May 14, 2009  
11  
12 By: \_\_\_\_\_ /s/  
13 Lina M. Brenner  
14 Attorneys for Defendant  
15 IKON Office Solutions, Inc.  
16  
17 DORSEY & WHITNEY LLP  
18  
19 By: \_\_\_\_\_ /s/  
20 John G. Hursh  
21 Karen Elizabeth Wentzel  
22 Attorneys for Plaintiffs  
23  
24 **ORDER**  
25  
26 The date for the Parties' exchange of Rule 26(a) Initial Disclosures is hereby continued to  
27 July 21, 2009.  
28  
29 The date for the Parties' filing of their Joint Rule 26(f) Report is hereby continued to July 28,  
30 2009.  
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32 The date for the Parties' filing of the Case Management Statement is hereby continued to  
33 **June 26, 2009.**  
34  
35 The hearing regarding IKON's Motion to Dismiss Or Stay is hereby continued to  
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37 **July 6, 2009 at 9 a.m.** with Plaintiffs' Opposition due on June 15, 2009 and Defendant's Reply  
38 due on June 22, 2009.

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2 The Case Management Conference is hereby continued to **July 6, 2009 at 10 a.m.**

3 IT IS SO ORDERED.

4 Date: May 20, 2009

  
The Honorable James Ware  
United States District Court

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